IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 114 OF 2006

Arif Shaizade Shaikh & Ors. ...Petitioners.
V/s.
Shri C.A.Chougule & Anr. ...Respondents.

Adv. Shri Amin H. Solkar for the Petitioners.
Shri D.S.Mhaispurkar, A.P.P. for the State.

CORAM: R.S.Mohite, J.
DATE : 24th January, 2006.

P.C.:

1. This Petition is filed by the Petitioner impugning the show-cause notice issued by the Special Executive Magistrate, Andheri, Bombay on 05.01.2006 asking the Petitioner to show cause as to why bond as contemplated in Section 107 of the Code of Criminal Procedure should not be taken from the Petitioner.

2. On perusal of the impugned show-cause notice, it is seen that the same is in accordance with Section 107 read with section 111 of the Code of Criminal Procedure, save and except for the requirement that the Petitioner should remain present with surety at the hearing. For the moment, requirement of appearing alongwith the surety is dispensed with. Advocate for the Petitioner states that his client will remain present on the next date of hearing

which is on 3rd February, 2006 without surety and will co-operate in the enquiry. It is clarified that by final order, bond is required to be given under section 107 of the Code of Criminal Procedure. If bond for keeping peace is required to be taken under section 107 and if bond is with surety then three days time will be given to the Petitioners for furnishing the said surety.

3. The Petition is disposed off subject to these directions, by leaving all the points open to be agitated in the enquiry.

(R.S.Mohite, J.)